

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

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DEPUTY CLERK

UNITED STATES OF AMERICA

vs.

1:18-MJ-0050-BL

ROGELIO SANCHEZ, JR.

MOTION FOR PRETRIAL DETENTION AND CONTINUANCE

The United States asks for the pretrial detention of Defendant under Title 18,
United States Code, Sections 3142(e) and 3142(f).

1. **Eligibility of Case.** This case is eligible for a detention order under

18 U.S.C. § 3142(f) because it is a case that involves:

_____ A crime of violence as defined in 18 U.S.C. § 3156(a)(4). (18 U.S.C. § 3142(f)(1)(A)).

_____ An offense for which the maximum sentence is life imprisonment or death. (18 U.S.C. § 3142(f)(1)(B)).

X _____ Controlled substances offense for which the maximum sentence is 10 years or more. (18 U.S.C. § 3142(f)(1)(C)).

_____ A felony that was committed after the defendant had been convicted or two or more prior federal offenses described in 18 U.S.C. § 3142(f)(1)(A)-(C), or comparable state or local offenses. (18 U.S.C. § 3142(f)(1)(D)).

_____ A serious risk defendant will not appear. (18 U.S.C. § 3142(f)(2)(A)). Factual predicate in support of this ground:

_____ A serious risk defendant will obstruct or attempt to obstruct justice, or threaten, injure or intimidate, or attempt to threaten, injure, or intimidate a prospective witness or juror. (18 U.S.C. § 3142(f)(2)(B)). Factual predicate in support of this ground:

_____ A felony that involves a minor victim in a qualifying offense or failure to register as a sex offender. (18 U.S.C. § 3142(f)(1)(E)).

A felony that involves the possession or use of a firearm or destructive device, or any other dangerous weapon. (18 U.S.C § 3142(f)(1)(E)).

2. **Reason for Detention.** The Court should detain defendant, under 18 U.S.C. § 3142(e), because no condition or combination of conditions will reasonably assure:

 X Defendant's appearance as required.
 X Safety of any other person and the community.

3. **Rebuttable Presumption.** The United States will invoke the rebuttable presumption against defendant under 18 U.S.C. § 3142(e).

The presumption applies because:

 X Probable cause to believe defendant committed 10 + year drug offense or firearms offense, 18 U.S.C. § 924(c). (18 U.S.C. § 3142(e)).
 Previous conviction for "eligible" offense committed while on pretrial bond. (18 U.S.C. § 3142(e)(1)-(3)).
 Probable cause to believe defendant committed a federal crime of terrorism as defined by 18 U.S.C. § 2332b(g)(5). (18 U.S.C. § 3142(e))
 Probable cause to believe defendant committed a qualifying offense involving a minor victim. (18 U.S.C. § 3142(e)).

4. **Time for Detention Hearing.** The United States requests the Court conduct the detention hearing:

 X After continuance of three days.
 After continuance of 10 days under 18 U.S.C. § 3142(d).
 Moot at this time as defendant is in state custody. Hearing requested if detention becomes a viable issue.

Grounds for 10 day continuance:

The defendant is, and was at the time the alleged offense was committed:

- _____ on release pending trial for a felony under Federal, state, or local law;
- _____ on probation or parole for an offense under federal, state, or local law; or
- _____ is not a citizen of the United States or lawfully admitted for permanent residence as defined at 8 U.S.C. § 1101(a)(20); and the defendant:
 - _____ may flee; or
 - _____ pose a danger to any other person or the community.

Dated this 21st day of June, 2018.

Respectfully submitted,

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